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PTO/SB/30(08-00)

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Faterit and Trademark Office, O.S. DEFAR IMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice. Application No. 10/025,509 12/19/2001 Filing Date First Named Inventor Kessler, et al Group Art Unit _2137 Examiner Name Gelagay, Shewaye Attorney Docket No. 5655.P004 Submission required under 37 C.F.R. § 1.114 Previously submitted [] Consider the amendment(s)/reply under 37. C.F.R. § 1.116 previously filed on _ (Any unentered amendment(s) referred to above will be entered). Consider the arguments in the Appeal Brief or Reply Brief previously filed on] Other _ b. **[X]** Enclosed [X] Amendment/Reply [] Affidavit(s)/Declaration(s) 1 Information Disclosure Statement (IDS) 1 Other Miscellaneous a. [] Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required) b. [] Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed. The Director is hereby authorized to charge deficiencies in the following fees, or credit any overpayments, to Deposit Account No. 2-2666 [X] RCE fee required under 37 C.F.R. § 1.17(e) Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)] Other Check in the amount of \$790.00 enclosed b. [X] Payment by credit card (Form PTO-2038 enclosed) c. [] SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED Name (Print/Type) Thomas C. Webster Registration No. (Attorney/Agent) CERTIFICATE OF MAILING OR TRANMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, P.O. Box 1450, Alexandria VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: Name (Print/Type) Judy L. Steinkraus Signature Date

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1 9 7000 -	1		FEE TRANSMITTAL F		
<i>[2]</i>	Effective of	on 10/01/200	Fees pursuant to the Consolidat	ted Appropriations Act, 2005 (H.R. 4	1818).
EMAR			TOTAL AMOUNT OF PAY	MENT (\$) <u>790.00</u>	
Complete					
	n No	10/02			
Filing Date		12/19/			
	ed Inventor		er, et al.		
	Name		ay, Shewaye		
Art Unit _	S-1-4 N-	2137		•	
Attorney L	Oocket No.	5655.I	5004		
	Appli	cant claim	ns small entity status. See 37	CFR 1.27.	
METHOD	OF PAYMI	ENT (che	ck all that apply)	-	
	heck			der None Ot	her (please identify)
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	eposit Acco		t Number : <u>02-2666</u>		
		sit Accoun			
X TI			ed to do the following with re	spect to the above-identified I	Deposit Account:
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_			ional fee(s) or underpayment of fe	ee(s) during the pendency of this	application.
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			payments.	3	
<u> </u>			or future reply that requires a petit	tion for extension of time should	be treated as
_		oorating an	appropriate petition for extension	n of time and all required fees sho	ould be charged.
Warning: In	formation on	this form m	nay become public. Credit card in	oformation should not be included	on this form.
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FEE CAL	CULATION				
4 PAGIC	EILING SI		AND EXAMINATION FEES		
I. DASIC	FILING, SI	EARCH, A	AND EXAMINATION FEES		
Large Enti	ity Small	I Entity			
	ee Fee	Fee			
	\$) Code		Fee Description		Fees Paid (\$)
	300 2011	150	Utility application filing fee	7	0.00
	00 2111	250	Utility search fee	├ 1,000/500	0.00
1311 2	200 2311	100	Utility examination fee	J	0.00
	2012	100	Design application filing fee		
	00 2112	50	Design search fee	≻ 430/215	
1312 1	30 2312	65	Design examination fee	J	
1013 2	2013	100	Plant filing fee	7	
	100 2013 100 2113	150	Plant search fee	660/330	
	60 2313	80	Plant examination fee	3 000/330	
1010 1	2010	00		_	
1004	300 2004	150	Reissue filing fee	7	_
	500 2114	250	Reissue search fee	≻ 1,400/700	
	600 2314	300	Reissue examination fee	J	
1005 2	2005	100	Provisional application filing	g fee	
				OUDTOTAL (4) A A	
				SUBTOTAL (1) \$ <u>0</u>	0.00

2.	EXCESS	CLAIM	FEES

21	Extra Claims	Fee 1 belo		s Paid (\$)
Total Claims 34 - or HP		X .00	= 00.00	
HP = highest number of total claims paid for, i	if greater than 20			
Independent Claims		X	=	0
HP = highest number of independent claims p	paid for, if greater than 3			
Multiple Dependent Claims			=	

Large Entity Small Entity		<u>Entity</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	Fee Description
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent
1				

SUBTOTAL (2) \$ 00.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	<u>Ext</u>	ra Sheets		mber of each add'l or fraction thereof	Fee from below	Fees paid (\$)
	– 100 =	0	/ 50 =	0 (round up to whole number)	x	

Large Entity		Small Entity		
Fee	Fee	Fee	Fee	Fee Description: Application size fee for each additional group of 50 sheets
Code	(\$)	Code	(\$)	beyond initial 100 sheets (count spec & drawings except sequences & program listings):
4004	050	0004	405	LIMPIA
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ 0

FEE CALCULATION (continued) 4. OTHER FEE(S) Fees Paid (\$) Non-English Specification, \$130 fee (no small entity discount) Large Entity **Small Entity** Fee Fee Fee Fee **Fee Description** Code (\$) Code (\$) 1051 130 2051 65 Surcharge - late filing fee or oath 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet 1053 130 1053 130 Non-English specification 1812 2,520 1812 2,520 For filing a request for ex parte reexamination 8,800 1813 8,800 1813 Request for inter parties reexamination 920* 1804 920* 1804 Requesting publication of SIR prior to Examiner action 1805 1,840* 1805 1.840* Requesting publication of SIR after Examiner action 1251 120 2251 60 Extension for reply within first month 2252 225 Extension for reply within second month 1252 450 Extension for reply within third month 1253 1,020 2253 510 1254 1,590 2254 795 Extension for reply within fourth month 1255 2255 1.080 Extension for reply within fifth month 2,160 1401 500 2401 250 Notice of Appeal Filing a brief in support of an appeal 1402 500 2402 250 1403 1,000 2403 500 Request for oral hearing 1451 1,510 1451 1.510 Petition to institute a public use proceeding 1452 500 2452 250 Petition to revive – unavoidable 1453 1,500 2453 750 Petition to revive - unintentional 2501 700 1501 1,400 Utility issue fee (or reissue) 1502 800 2502 400 Design issue fee 1503 2503 550 Plant issue fee 1100 1462 400 Petitions to the Commissioner (CFR 1.17(f) Group I) 1462 400 Petitions to the Commissioner (CFR 1.17(g) Group II) 1463 200 1463 200 1464 130 1464 130 Petitions to the Commissioner (CFR 1.17(h) Group III) 1807 50 1807 50 Processing fee under 37 CFR 1.17(g) 1806 180 Submission of Information Disclosure Stmt 1806 180 8021 8021 40 Recording each patent assignment per 40 property (times number of properties) 2809 395 1809 790 For filing a submission after final rejection (see 37 CFR 1.129(a)) 1814 2814 65 Statutory Disclaimer 130 1810 790 2810 395 For each additional invention to be examined (see 37 CFR 1.129(b)) Request for Continued Examination (RCE) 1801 790 2801 395 790.00 1802 900 1802 900 Request for expedited examination of a design application Publication fee for early, voluntary, or normal pub. 300 1504 300 1504 1505 300 1505 300 Publication fee for republication 1803 130 1803 130 Request for voluntary publication or republication 1808 130 1808 130 Processing fee under 37 CFR 1.17(i) (except provisionals) 1454 1,370 1454 1,370 Acceptance of unintentionally delayed claim for priority Other fee (specify) Other fee (specify) **SUBTOTAL (4)** \$790.00 *Reduced by Basic Filing Fee Paid **SUBMITTED BY:** Thomas C. Webster Typed or Printed Name: Signature: Date: **Reg. Number:** 46,154 **Telephone Number:** 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



13	2006					Page 1 of 3
	, ,			FEE TRANSMITTAL	OR FY 2006	
.	3/	Effective of	on 10/01/2	2005. Fees pursuant to the Consolidation	ated Appropriations Act, 2005 (H.F	R. 4818).
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Co	mplete if K	nown.		TOTAL AMOUNT OF PA	TWENT (\$) _790.00	
	plication N		10/0	25,509		
	ing Date			9/2001		
Fir	st Named I	nventor		sler, et al.		
Ex	aminer Nar	ne	Gela	agay, Shewaye		
	t Unit		213			
	orney Doc	ket No.		5.P004		
		Appli	cant cla	ims small entity status. See 37	CFR 1.27.	
ME	THOD OF	PAYME	ENT (ch	eck all that apply)	 	
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		Charc	ie fee(s)	indicated below.	opout to the above-lacitance	a Deposit Account.
]	<u>x</u>			litional fee(s) or underpayment of t	fee(s) during the pendency of th	is application
			e fee(s)	indicated below except for the	filing fee	is application.
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	$\frac{\overline{x}}{x}$			or future reply that requires a peti	tion for automaian of time about	d ba saaasa d
		incorn	orating a	n appropriate petition for extension	n of time and all required foce of	d be treated as
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FE	E CALCUI	LATION				
1.	BASIC FIL	ING, SE	ARCH,	AND EXAMINATION FEES		
<u>Lar</u>	ge Entity	<u>Small</u>	Entity			
Fee	Fee	Fee	Fee			
Cod	de (\$)	Code	(\$)	Fee Description	_	Fees Paid (\$)
101	1 300	2011	150	Utility application filing fee	<u> </u>	0.00
111	1 500	2111	250	Utility search fee	≻ 1.000/500	0.00
131	1 200	2311	100	Utility examination fee		0.00
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101	2 200	2012	100	Decian application filing for	. T	
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			50	Design search fee	430/215	
131	2 130	2312	65	Design examination fee	ノ	
101	3 200	2013	100	Diant filing for	٦	j
111		2013 2113		Plant filing fee	- 0001000	
			150	Plant search fee	660/330	
131	3 160	2313	80	Plant examination fee		
1004	4 300	2004	150	Reissue filing fee	7	
1114		2114	250	Reissue search fee	4 400/700	
1314					1,400/700	
1314	4 600	2314	300	Reissue examination fee	J	
400		2025	400	Durantata and a 11 dr mar		
100	5 200	2005	100	Provisional application filing	i tee	
					SUBTOTAL (1) \$_	00.00
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2. EXCESS CLAIM FEES	<u>S</u>	
Independent Claims <u>7</u>	lependent claims paid for, if greater than 3	Fee from below Fees Paid (\$) X .00 = 00.00 X = 0
Code (\$) Code (\$ 1202 50 2202 2 1201 200 2201 10 1203 360 2203 18 1204 200 2204 10		than in the original patent e than in the original patent SUBTOTAL (2) \$ <u>00.00</u>
entity) for each additional 50	ngs exceed 100 sheets of paper, the application sheets or fraction thereof. See 35 U.S.C. 41(a) Number of each add'I Stra Sheets 0 / 50 = 0 (round up to whole not be application to the properties)	(1)(G) and 37 CFR 1.16(s). <u>Fee from</u> <u>below</u> <u>Fees paid (\$)</u>
Large Entity Small Entity Fee Gode (\$) 1081 250 2081 12 12 12 1082 250 2082 12 1083 250 2083 12 1084 250 2084 12	Fee Description: Application size fee beyond initial 100 sheets (count spec & c Utility Design Plant	for each additional group of 50 sheets drawings except sequences & program listings):
		SUBTOTAL (3) \$ <u>0</u>

FEE CALCULATION (continued)								
4. <u>O</u>	THER FE	E(S)						
Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)								
Large Entity Small Entity								
Fee	Fee	Fee	Fee					
Code	(\$)	Code	(\$)	Fee Description				
1051	130	2051	65	Surcharge - late filing fee or oath				
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet				
1053	130	1053	130	Non-English specification				
1812 1813	2,520	1812	2,520	For filing a request for ex parte reexamination				
1804	8,800 920*	1813 1804	8,800 920*	Request for inter parties reexamination				
1805	1,840*	1805	1,840*	Requesting publication of SIR prior to Examiner action Requesting publication of SIR after Examiner action	.			
1251	120	2251	60	Extension for reply within first month				
1252	450	2252	225	Extension for reply within second month				
1253	1,020	2253	510	Extension for reply within third month				
1254	1,590	2254	795	Extension for reply within fourth month				
1255	2,160	2255	1,080	Extension for reply within fifth month				
1401	500	2401	250	Notice of Appeal				
1402	500	2402	250	Filing a brief in support of an appeal				
1403	1,000	2403	500	Request for oral hearing				
1451	1,510	1451	1,510	Petition to institute a public use proceeding				
1452	500	2452	250	Petition to revive – unavoidable				
1453	1,500	2453	750	Petition to revive - unintentional				
1501	1,400	2501	700	Utility issue fee (or reissue)				
1502	800	2502	400	Design issue fee				
1503	1100	2503	550	Plant issue fee				
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)				
1463 1464	200 130	1463 1464	200	Petitions to the Commissioner (CFR 1.17(g) Group II)				
1807	50	1807	130 50	Petitions to the Commissioner (CFR 1.17(h) Group III) Processing fee under 37 CFR 1.17(g)				
1806	180	1806	180	Submission of Information Disclosure Stmt				
8021	40	8021	40	Recording each patent assignment per				
002.		002.	70	property (times number of properties)				
1809	790	2809	395	For filing a submission after final rejection				
				(see 37 CFR 1.129(a))				
1814	130	2814	65	Statutory Disclaimer				
1810	790	2810	395	For each additional invention to be examined				
				(see 37 CFR 1.129(b))				
1801	790	2801	395		790.00			
1802	900	1802	900	Request for expedited examination of a design	· 			
4504	202	4504	202	application				
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.				
1505 1803	300 130	1505	300 430	Publication fee for republication				
1808	130	1803 1808	130 130	Request for voluntary publication or republication Processing fee under 37 CFR 1.17(i) (except provisionals)				
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority				
Other fe	ee (specify	y)						
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				SUBTOTAL (4) \$790				
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SUBMI	TTED BY							
Typed	or Printe	d Name:	Thoma	as C. Webster				
Signatu	ure: <u> </u>	1	int	Date: 11 6/06				
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Reg. Number: 46,154 Telephone Number: 408-720-8300 Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450								

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

1 8 2006 3	
AMENDMENT TRANSMITTAL	PATENT
ation No.: <u>10/025,509</u>	
Filing Date: 12/19/2001	
First Named Inventor Kessler, et al. Examiner's Name: Gelagay, Shewaye	
Art Unit: 2137	
Attorney Docket No.: 5655.P004	
An Amendment After Final Action (37 CFR 1.116) is attached and a Charge any fee not covered by any check submitted to Deposit Acc Applicant(s) hereby request and authorize the U.S. Patent and Trace	count No. 02-2666.
future reply that requires a petition for extension of time as incorp appropriate length of time and (2) charge all required fees, includ CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Applicant(s) claim small entity status (37 CFR 1.27).	porating a petition for extension of time for the ling extension of time fees and fees under 37
ATTACHMENTS	
Preliminary Amendment	
X Amendment/Response with respect to Office Action	
Amendment/Response After Final Action (37 CFR 1.116) (reminder: c	consider filing a Notice of Appeal)
X RCE (Request for Continued Examination)	
Supplemental Declaration	All Comments
Terminal Disclaimer (reminder: if executed by an attorney, the attorne	y must be properly of record)
Information Disclosure Statement (IDS)	
Copies of IDS citations	
Petition for Extension of Time	
Information Disclosure Statement (IDS) Copies of IDS citations Petition for Extension of Time X Fee Transmittal Document (that includes a fee calculation based on the Cross-Reference to Related Application(s) Certified Copy of Priority Document Other: Other:	ne type and number of claims)
Cross-Reference to Related Application(s)	
Certified Copy of Priority Document	
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SUBMITTED BY:	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP	
TYPED OR PRINTED NAME: Thomas C. Webster	
SIGNATURE:	
REG. NO.: 46,154	
DATE: 11/6/06	
ADDRESS: 12400 Wilshire Boulevard, Seventh Floor	
Los Angeles, California 90025	
TELEPHONE NO.: (408) 720-8300	
CERTIFICATE OF MAILING BY FIRST CLASS MA	II (if applicable)
I hereby certify that this correspondence is being deposited with the United States Postal an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Ale on 11/06/2006	
Date of Deposit	
Judy L. Steinkraus Name of Person Mailing Correspondence	
Harne of Person Mailing Correspondence	11/06/2006
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NOV 1 8 2006 Date: 12/19/2001

Kessle **AMENDMENT TRANSMITTAL PATENT** First Named Inventor Kessler, et al. Examiner's Name: Gelagay, Shewaye Art Unit: 2137 Attorney Docket No.: 5655.P004 An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action. Charge any fee not covered by any check submitted to Deposit Account No. 02-2666. Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666. Applicant(s) claim small entity status (37 CFR 1.27). **ATTACHMENTS Preliminary Amendment** X Amendment/Response with respect to Office Action Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal) Notice of Appeal RCE (Request for Continued Examination) Supplemental Declaration Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record) Information Disclosure Statement (IDS) Copies of IDS citations Petition for Extension of Time Fee Transmittal Document (that includes a fee calculation based on the type and number of claims) Х Cross-Reference to Related Application(s) Certified Copy of Priority Document Other: Other: _ Check Postcard (Return Receipt) SUBMITTED BY: **BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP** TYPED OR PRINTED NAME: Thomas C. Webster SIGNATURE:. REG. NO.: 46,154 DATE: ___ ADDRESS: 12400 Wilshire Boulevard, Seventh Floor Los Angeles, California 90025 TELEPHONE NO.: (408) 720-8300 CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on __11/06/2006 Date of Deposit Judy L. Steinkraus and of Person Mailing Correspondence 2006 ature

Express Mail Label No. (if applicable):